

*United States Court of Appeals
for the Second Circuit*



**APPELLANT'S
APPENDIX**

United States District Court
For the 2nd Circuit

76-6186
United States of America

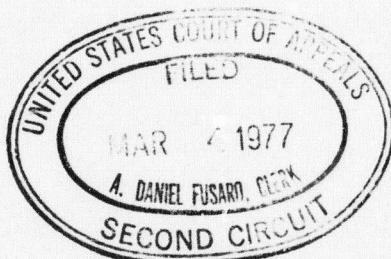
v.s.

Israel Miller

C 76 6186

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APPENDIX



| DEPT/OFFICE | DOCKET NUMBER | FILING DATE MO. DAY YEAR | N/S | A | DEMAND OTHER | JUDGE NUMBER | JURY CIM. | DOCKET NR. |
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| 76C 07/16 | 984 | 05 27 76 | 1 | 220 | | WEINSTEIN 9 | 0715 | 1 |

PLAINTIFFS

DEFENDANTS

U.S.A.

UNITED STATES OF AMERICA

MILLSAP, ISRAEL W., et al

ISRAEL W. MILLSAP, NEWSDAY INC., SEARS, ROEBUCK AND CO., JAMAICA SAVINGS BANK, GENERAL ELECTRIC CREDIT CORP., "JOHN DOE #1" through "JOHN DOE #5" inclusive, such names being fictitious and unknown to plaintiff, the person or persons intended being tenants, occupants, persons, corporations, or other legal entities, if any, having claiming an interest in or title upon the premises described in complaint

CAUSE

28 USC 1345 - debtor Millsop defaulted in mortgage foreclosure to the V.A.
Seeks: \$9,000.00

ATTORNEYS

For PLAINTIFF:
 DAVID G. TRAGER
 United States Attorney - EDNY
 By: Michael Cavanagh
 Assistant US Atty

FOR ISRAEL MILLSAP, Pro Se
 250 West 23rd Street
 New York, NY 10010
 212-529-0944
 9537 Prairie Avenue South
 Chicago, Ill. 60628

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| SEARCHED HERE IF THIS WAS FILED IN FORMA PAUPERIS | DATE | FILING FEES PAID RECEIPT NUMBER | C.D. NUMBER | STATISTICAL CARDS |
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| UNITED STATES DISTRICT COURT | | JS-5 JS-6 | | |

USA vs MILLSAP et al

| DATE | NR. | PROCEEDINGS |
|-----------|-----|--|
| 5-27-76 | | Complaint filed. Summons issued. |
| 5-28-76 | | By WEINSTEIN, J-Order dtd 5-28-76 referring the case to the Magistrate filed. Copy sent. |
| 7-10-76 | | Summons ret and filed/executed. |
| 8-3-76 | | Notice of motion ret. 8-10-76 with affidavit and demand for Jury trial filed. |
| 8-10-76 | | Before WEINSTEIN, J.- Case called for motion for jury trial Motion argued Order to be submitted within 48 hours |
| 8-19-76 | | By WEINSTEIN, J-Order dtd 8-17-76 that the time of the deft. Israel Millsap to answer the complaint is extended to 9-1-76. |
| 8-30-76 | | ANSWER filed. Jury demanded. (Israel Millsap) |
| 8-30-76 | | Pltff's order to show cause ret 10-28-76 re jury trial filed. |
| 9-1-28-76 | | Before WEINSTEIN, J.- Case called for motion requesting a jury trial Motion denied. Govt will make a motion for summary judgment within 30 days unless all the arrears with interest and penalties are paid within that time. Govt to submit the order within 48 hours |
| 9-1-76 | | By WEINSTEIN, J-Order dtd 10-29-76 that ptlff move for summary judgment by 11-30-76 etc filed. |
| 9-12-76 | | Notice of appeal filed by Israel Millsap. Copy to USA and C of A |
| 9-18-76 | | Notice of motion ret. 12-21-76 for an order granting summary judgment in favor of ptlff, Memo of law in support, and affidavit of Thomas R. Maher in support of motion filed. |
| 9-21-76 | | Civil appeal scheduling order filed. |
| 9-15-76 | | Pltff's affidavit filed. |
| 9-15-76 | | Pltff's affidavit re stay pending appeal filed. |
| 9-21/76 | | Before Weinstein, J--motion for summary judgement-case called & motion adjd to 1/24/77--deft to be served by govt copy of motion by registered mail. |
| 12-21-76 | | Memo from Judge Weinstein dtd 12-20-76 filed re: forwarding of Doc. #17 to C of A. (Doc. to be forwarded with file when appellate perfects appeal, as per instructions of chambers.) |
| 12-28-76 | | Above record certified and mailed to the C of A. |
| 12-30-76 | | Supplemental record on appeal (copies of documents 12,13,14) certified and mailed to the C of A. |
| 1-7-77 | | Copy of letter dtd 12-30-76 to ptlff from Ausa Maher re hearing of 1-24-77 on motion for summary judgment. |
| 1-7-77 | | Index on appeal filed. |
| 1-7-77 | | Supp index on appeal filed. See document #20 |
| 1-9-77 | | Pltff's affidavit filed. |
| 1-24-77 | | Before WEINSTEIN, J. - Case called. Govt's motion for summary judgment is granted. Submit order within 48 hours on notice. |
| 1-7-77 | | Notice of motion ret 2/17/77 for an order not receiving letter of Weinstein's, J order filed. |

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CIS:TRM:
760489

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

ORDER

Civil Action No.

76 C 984

Plaintiff,

- against -

ISRAEL W. MILLSAP, NEWSDAY INC.,
SEARS, ROEBUCK AND CO., JAMAICA
SAVINGS BANK, GENERAL ELECTRIC
CREDIT CORP., "JOHN DOE #1"
through "JOHN DOE #5" inclusive,
such names being fictitious and
unknown to plaintiff, the person
or parties intended being tenants,
occupants, persons, corporations,
or other legal entities, if any,
having or claiming an interest in
or lien upon the premises described
in the complaint.

FILED

U.S. DISTRICT COURT ED. NY

Oct 1 1976



TIME 11:44

P.M.

Defendants.

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The defendant, Israel W. Millsap, having made a motion returnable in this Court on October 28, 1976, and said defendant having failed to appear, it is hereby

ORDERED that the above referred to motion be denied and it is further

ORDERED that the plaintiff will move toward Summary Judgment by November 30, 1976 unless prior to this date the defendant remits to the plaintiff the whole amount of principal and interest due on the mortgage plus any advances paid out by the plaintiff.

Dated: Brooklyn, New York
October 29, 1976

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Jack B. Weinstein
Jack B. Weinstein
United States District
Judge

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